

Article X. SPI-CBPD: Chesapeake Bay Preservation
District (11/14/90)

Division I. In General.

Sec. 17.3-60. Purpose and Intent.

The health of the Chesapeake Bay is vital to the economy of the City of Hampton and the State of Virginia. Degradation of the Bay from both point and nonpoint source pollution must be curtailed if the City and State are to continue to benefit, both socially and economically, from their close association with the Bay. The purpose of this Article is to implement the Chesapeake Bay Preservation Act at the local level, and to protect the quality of state waters as authorized under Section 15.1-489 of the Code of Virginia, 1950, as amended; specifically:

- (1) to protect existing high quality state waters,
- (2) to restore all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them,
- (3) to safeguard the clean waters of the Commonwealth from pollution,
- (4) to prevent any increase in pollution,
- (5) to reduce existing pollution, and
- (6) to promote water resource conservation in order to protect the quality of life of the present and future citizens of Hampton.

It is not the intent of this article to impair the vested rights of property owners in Hampton. To the extent possible, and without violating the intent of the Chesapeake Bay Preservation Act, development within the SPI-CBPD should be permitted at the same density, although not specifically in the same manner, as was permitted prior to the adoption of the district.

Sec. 17.3-61. Application.

- (1) The Chesapeake Bay Preservation District (SPI-CBPD) shall be composed of two sub-districts, the

Resource Protection Area (RPA) and the Resource Management Area (RMA). The boundaries of such sub-districts shall be designated on the Chesapeake Bay Preservation District Map, which shall act as a supplement to the City's Zoning Map.

- (2) The regulations of this Article shall augment those of the underlying zoning districts. In cases where the regulations stated herein conflict with those of the underlying zoning district or with any other provisions of the City Code, the more stringent regulations shall apply.

Sec. 17.3-62. Definitions. (10/1/93)

For the purposes of this Article, the following terms shall have these specific meanings:

- (1) "Agricultural lands" means those lands used for the planting and harvesting of crops or plant growth of any kind in the open; pasture; horticulture; dairying; floriculture; or raising of poultry and/or livestock; but not to include home gardens or home landscaping.
- (2) "Buffer area" means an area of natural or established vegetation managed to protect other components of a Resource Protection Area and state waters from significant degradation due to land disturbances.
- (3) "Chesapeake Bay Preservation District" (SPI-CBPD) means any land so designated by the Hampton City Council on the Chesapeake Bay Preservation District Map, pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, VR 173-02-01, and Section 10.1-2107 of the Code of Virginia, and pursuant to this Ordinance. A Chesapeake Bay Preservation District shall consist of a Resource Protection Area and a Resource Management Area.
- (4) "Development" means the construction or substantial alteration of residential, commercial, industrial, institutional, recreational, transportation, or utility facilities or structures.
- (5) "Improvement" means any physical alteration of real property. Included in the term are clearing

vegetation, grading, utility installation, filling, excavation, or construction of any structure.

- (6) "Intensely Developed Area" (IDA) means a portion of the Chesapeake Bay Preservation District, delineated within the Resource Protection Area on the Chesapeake Bay Preservation District Map, where development is concentrated and little of the natural environment remains.
- (7) "Nonpoint source pollution" means pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agricultural and urban land development and uses.
- (8) "Nontidal wetlands" means those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency and the Army Corps of Engineers, pursuant to enforcement of Section 404 of the Federal Clean Water Act.
- (9) "Plan of development" means the process for site plan, subdivision plan, or construction plan review to ensure compliance with this Article prior to any clearing or grading of a site or the issuance of a building permit.
- (10) "Redevelopment" means the process of developing land that is or has been previously developed to the same or a lesser amount of impervious surface within the SPI-CBPD.
- (11) "Resource Management Area" (RMA) means that component of the Chesapeake Bay Preservation District, delineated on the Chesapeake Bay Preservation District Map, that includes land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. The Resource Management Area includes all those lands within the Chesapeake Bay Preservation District not designated as Resource Protection Areas.

- (12) "Resource Protection Area" (RPA) means that component of the Chesapeake Bay Preservation District, delineated on the Chesapeake Bay Preservation District Map, that includes lands at or near the shoreline that have an intrinsic water quality value due to the ecological and biological processes they perform or that are sensitive to impacts which may result in significant degradation to the quality of state waters.
- (13) "Review committee" means that group of persons, established by Section 17.3-67 herein, which convenes to hear requests for relief to the Chesapeake Bay Preservation District regulations and to arbitrate SPI-CBPD boundary disputes.
- (14) "Tidal shore" or "shore" means land contiguous to a tidal body of water between the mean low water level and the mean high water level.
- (15) "Tidal wetlands" means vegetated land which lies between and contiguous to mean low water and an elevation above mean low water equal to the factor of one and one-half (1-1/2) times the mean tide range, or nonvegetated land which lies contiguous to mean low water and is between mean low water and mean high water.
- (16) "Tributary stream" means an perennial stream that is so depicted on the most recent U.S. Geological Survey 7 1/2 minute topographic quadrangle map (scale 1:24,000).
- (17) "Water-dependent facility" means a development of land that cannot exist outside of the Resource Protection Area and must be located on the shoreline by reason of the nature of its operation. These facilities include, but are not limited to (i) ports; (ii) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (iii) marinas and other boat docking structures, not to include office, showrooms or other sales areas; (iv) beaches and other public water-oriented recreation areas; and (v) fisheries and similar marine resources facilities.

Sec. 17.3-63. Boundaries. (10/1/93)

- (1) The Chesapeake Bay Preservation District (SPI-CBPD) regulations shall apply to all lands identified and shown as such on the Chesapeake Bay Preservation District Map. Components of the SPI-CBPD are:
 - (a) The Resource Protection Areas, which shall include:
 - (i) Tidal wetlands, verified by field survey;
 - (ii) Nontidal wetlands connected by perennial surface flow and contiguous to tidal wetlands or tributary streams;
 - (iii) Tidal shores;
 - (iv) Tributary streams; and
 - (v) A vegetated buffer one hundred (100) feet wide located adjacent to and landward of the components listed above, and along both sides of any tributary stream.
 - (b) The Resource Management Area, which is comprised of properties located landward of the Resource Protection Areas which, when properly developed, serve to protect the quality of state waters. The RMA shall include a distance of one hundred (100) feet from the RPA boundary.
- (2) Portions of RPAs designated as Intensely Developed Areas (IDAs) shall serve as redevelopment areas. IDAs shall comply with all erosion and sediment control requirements and the performance standards for redevelopment in this Article.
- (3) Site-specific boundaries of the RPA, RMA and IDA shall be determined by the applicant through the performance of an environmental site assessment, subject to the approval of the Director of Planning, and in conformance with the Site Plan and Subdivision Ordinances, if applicable. The general location of the RPAs, RMAs, and IDAs shall be shown on the Chesapeake Bay Preservation District Map.

- (2) Lands within the City of Hampton that meet the definition of a component of the SPI-CBPD but not identified on the Chesapeake Bay Preservation District Map are hereby designated to be within the SPI-CBPD boundaries and regulated under the provisions of this Article.
- (5) Once submitted by the applicant, the Planning Director shall verify the accuracy of the boundary delineation and make adjustments as deemed necessary. If such adjustments are contested by the applicant, a decision shall be made by the Review Committee, as provided in this Article.

Sec. 17.3-64. General Performance Standards for Development and Redevelopment. (10/1/93)

- (1) Land disturbance shall be limited to the area necessary to provide for the desired use or development. In accordance with an approved site plan, the limits of land disturbance, including clearing or grading, shall be clearly shown on submitted plans and physically marked on the development site.
- (2) Indigenous vegetation shall be preserved to the maximum extent possible consistent with the use and development permitted, and in accordance with the Virginia Erosion and Sediment Control Handbook.
 - (a) Existing healthy trees exhibiting a minimum trunk diameter of six (6) inches, measured four and one-half (4-1/2) feet from the ground, shall be preserved outside the limits of clearing.
 - (b) Clearing shall be allowed only to provide a building site, necessary parking, necessary access, positive site drainage, water quality BMPs, and the installation of utilities, as approved by the Zoning Administrator or the Director of Public Works, as appropriate.
 - (c) Prior to clearing or grading, suitable protection measures for undisturbed areas, as outlined in the Site Plan and Subdivision Ordinances, shall be followed.

- (3) Land development shall minimize impervious cover to promote infiltration of stormwater into the ground consistent with the use or development permitted.
 - (a) Grid and modular pavements which promote infiltration are encouraged for any required parking area, alley, or other low traffic driveway.
 - (b) For nonresidential uses, the number of parking spaces shall not exceed one hundred twenty percent (120%) of the minimum required by Chapter 19 of this Ordinance, and their size shall not exceed the minimum required by Chapter 19 of this Ordinance.
- (4) Notwithstanding any other provisions of this Article or exceptions or exemptions thereto, any land disturbing activity exceeding twenty five hundred (2,500) square feet, including construction of all single-family houses, septic tanks, drainfields, and accessory structures and improvements shall comply with the requirements of the Erosion and Sediment Control Ordinance.
- (5) All on-site sewage disposal systems not requiring a Virginia Pollution Discharge Elimination System (VPDES) permit shall be pumped out at least every five (5) years, in accordance with the provision of the Health Code.
- (6) A reserve sewage disposal site with a capacity equal to or greater than that of the primary sewage disposal site shall be provided, in accordance with the Health Code. Any lot or parcel recorded prior to October 1, 1989 shall not be required to provide such reserve disposal site if the size of such lot or parcel, as determined by the Health Department, is not sufficient in capacity to accommodate a reserve sewage disposal site. Construction of any impervious surface shall be prohibited on the area of all sewage disposal sites or over an on-site sewage treatment system which operates under a permit issued by the State Water Control Board, until the property is served by public sewer and the site is no longer needed for this purpose.

- (7) For any development or redevelopment, stormwater runoff shall be controlled by the use of best management practices that achieve the following:
- (a) For development, the post-development nonpoint source pollution runoff load shall not exceed the predevelopment load. Pre-development load shall be the average phosphorus loading of Hampton's Chesapeake Bay Watershed, 0.85 pounds per acre per year, based on an average impervious land cover of thirty-four percent (34%).
 - (b) For sites within IDAs or other isolated redevelopment sites, the nonpoint source pollution load shall be reduced by at least ten percent (10%). The Director of Public Works may waive or modify this requirement for redevelopment sites that originally incorporated best management practices for stormwater runoff quality control, provided the following provisions are satisfied:
 - (i) In no case may the post-development nonpoint source pollution runoff load exceed the predevelopment load;
 - (ii) Runoff pollution loads must have been calculated and the best management practices selected for the expressed purpose of controlling nonpoint source pollution; and
 - (iii) If best management practices are structural, evidence shall be provided that facilities are currently in good working order and performing at the design levels of service. The Director of Public Works may require a review of both the original structural design and maintenance plans to verify this provision. A new maintenance agreement may be required to ensure compliance with this Article.
 - (c) For redevelopment, both the pre- and post-development loadings shall be calculated by the same procedures. Pre-development loadings shall be calculated using existing land coverage. However, where the design data is available, the original post-

development nonpoint source pollution loadings can be substituted for the existing development loadings.

- (8) Prior to the issuance of a zoning or building permit for any development located within a Chesapeake Bay Preservation District, the developer shall provide copies of wetlands permits or approval letters from the Hampton Wetlands Board, the Virginia Marine Resources Commission, and the U.S. Army Corps of Engineers for any improvements or alterations in tidal wetlands. Issuance of a zoning or building permit shall not absolve the developer from obtaining all other necessary federal, state and local permits.
- (9) Land upon which agricultural activities are being conducted shall have a soil and water quality conservation plan. Such plan shall be based upon the Field Office Technical Guide of the U.S. Department of Agriculture Soil Conservation Service and accomplish water quality protection consistent with this Ordinance. Such a plan shall be approved by the Colonial Soil and Water Conservation District by January 1, 1995.

Sec. 17.3-65. Plan of Development. (10/1/93)

- (1) All development, improvements and redevelopment exceeding twenty five hundred (2,500) square feet of land disturbance shall be subject to a plan of development process. This process shall consist of submission and review of the plans and studies identified herein. Such plans and studies may be coordinated or combined as deemed appropriate by the Planning Director and Public Works Director, who may also reserve the right to determine that some of the information normally required is unnecessary due to the specific scope and nature of the proposed development.
- (2) Developments requiring plans submitted under the Site Plan or Subdivision Ordinances shall submit the following information, unless ruled unnecessary by the Planning Director and Public Works Director. Each plan or study shall be in conformance with all the applicable provisions of the City Code:

- (a) a site plan or subdivision plan, whichever is most appropriate;
 - (b) a landscape plan, as required by the Site Plan or Subdivision Ordinance;
 - (c) a stormwater management plan; and
 - (d) an erosion and sediment control plan.
- (3) Any proposed use or development disturbing more than twenty five hundred (2,500) square feet, but not requiring site plan or subdivision review shall submit a construction plan and other information as follows:
 - (a) A construction plan prepared and stamped by a certified land surveyor or professional engineer, drawn to scale, showing property lines and dimensions. Such plan shall also show:
 - (i) boundaries of any RPA on the property;
 - (ii) limits of proposed land disturbance;
 - (iii) existing and proposed impervious surface, such as buildings and driveways;
 - (iv) proposed general drainage patterns on the site, after development; and
 - (v) notation regarding the inclusion of the property in an RMA.
 - (b) Provide an erosion and sediment control plan, to be implemented during construction and land disturbance, which conforms to the provisions of the Erosion and Sediment Control Ordinance.
- (4) Any nonexempt development within the RPA shall submit a water quality impact assessment, pursuant to the Stormwater Management Ordinance.
- (5) The Public Works Director and Planning Director shall review the construction plan and water impact information to ensure that the impact of the proposed use and development is consistent

with the intent of this section, and adequately provides for water quality protection. Approval may be unconditional or with conditions, or the plans may be denied based on nonconformance with the intent of these regulations.

- (6) Disturbances for home gardens or home landscaping outside the RPA shall not be required to meet the provisions of this section.

Sec. 17.3-66. Resource Protection Area (RPA).

- (1) So long as they are permitted by the underlying zoning, the following uses are the only uses permitted in the RPA:
 - (a) Water-dependent uses:
 - (i) marinas, not to include non-water-dependent components;
 - (ii) piers, wharves, and docks;
 - (iii) the intake and outfall structures of power plants, water treatment plants, and sanitary sewage treatment plants;
 - (iv) the outfall structures of stormwater sewers designed and managed in compliance with the requirements of the Chesapeake Bay Preservation Act; and
 - (v) beaches and other public water-oriented recreation facilities.
 - (b) Redevelopment
 - (c) Uses permitted through the modification or exception processes in Section 17.3-67 herein.
- (2) To minimize the adverse effects of human activities on the other components of the RPAs, state waters, and aquatic life, a one hundred (100) foot buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from

runoff shall be retained if present, and established where it does not exist. The buffer shall be located adjacent to and landward of the other RPA components and along both sides of any tributary stream. The full buffer area shall be designated as the landward component of the RPA. The one hundred (100) foot buffer shall be deemed to achieve a seventy five percent (75%) reduction of sediments and a forty percent (40%) reduction of nutrients. A combination of buffer area not less than fifty (50) feet in width and appropriate best management practices located landward of the buffer area which collectively achieve water quality protection, pollutant removal, and water resource conservation at least the equivalent of the full one hundred (100) foot buffer area may be employed in lieu of the one hundred (100) foot buffer, if approved by the Review Committee after

consideration of the Water Quality Impact Assessment.

The buffer area shall be maintained to meet the following additional performance standards:

- (a) In order to maintain the functional value of the buffer area, indigenous vegetation may be removed only to provide for reasonable sight lines, access paths, general woodlot management, and best management practices, as follows:
 - (i) Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that if removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff.
 - (ii) Any path shall be constructed and surfaced so as to effectively control erosion.
 - (iii) Dead, diseased or dying trees or shrubbery may be removed at the discretion of the landowner, and

silvicultural thinning may be conducted based upon the best available technical information.

- (iv) For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.
- (b) When the application of the buffer areas would result in the loss of all buildable area on a lot or parcel recorded prior to October 1, 1989, the Review Committee may modify the width of the buffer area in accordance with Section 17.3-67 of this Article.
- (c) On agricultural lands the buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and noxious weeds from invading the buffer area. The buffer may be reduced as follows:
 - (i) To a minimum width of fifty (50) feet when the adjacent land is implementing a federal, state, or locally-funded agricultural best management practices program, provided that the combination of the remaining buffer area and the best management practices achieve water quality protection, pollutant removal, and water resource conservation equivalent to or better than that of the one hundred (100) foot buffer.
 - (ii) To a minimum width of twenty five (25) feet when a soil and water quality conservation plan, as approved by the Colonial Soil and Water Conservation District, has been implemented on the adjacent land. Such plan shall be based upon the Field Office Technical Guide of the U.S. Department of Agriculture Soil Conservation Service and accomplish

water quality protection consistent with this Article.

(iii) The buffer area is not required for agricultural drainage ditches if the adjacent agricultural land has in place best management practices in accordance with a conservation plan approved by the Colonial Soil and Water Conservation District.

(3) Redevelopment within IDAs shall provide a buffer area, to the extent practicable; shall meet the requirements for a Plan of Development; and shall be subject to all requirements of the Stormwater Management Ordinance and Erosion and Sediment Control Ordinance. Impervious area on the parcel shall not exceed that which previously existed on the site.

(3) A water quality impact assessment, as required in the Stormwater Management Ordinance, is required for any nonexempt development within an RPA.

(5) Exemptions to the RPAs:

(a) The following land disturbances may be exempted from the regulations of the RPA:

(i) water wells;

(ii) passive recreation facilities such as board walks, private noncommercial piers, trails, and pathways;

(iii) historic preservation and archaeological activities; and

(iv) fences, not to include masonry walls.

(b) Such exemptions may be permitted only if it has been demonstrated to the satisfaction of the Zoning Administrator that:

(i) any required permits, except those to which this exemption specifically applies, shall have been issued;

(ii) sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality;

(iii) the intended use does not conflict with nearby planned or approved uses; and

(iv) any land disturbance in excess of twenty five hundred (2,500) square feet of area shall comply with all erosion and sediment control requirements.

Sec. 17.3-66.1 Tidal Wetlands Permits. (10/1/93)

(1) Any development within the tidal wetlands, as defined herein, must be evaluated in accordance with the requirements of Chapter 41.1 of the City Code. Any water-dependent development within the tidal wetlands is permitted in the RPA, in accordance with Section 17.3-66 herein, provided it is approved by the Wetlands Board.

(2) Any development within tidal wetlands that is not water-dependent must also be evaluated by the Review Committee and shall be treated as an exception to the RPA requirements, in accordance with Section 17.3-67(3) herein. Permits shall not be issued for any development that is not

considered water-dependent without the approval of the Wetlands Board and the Review Committee.

Sec. 17.3-67. Administration. (10/1/93)

(1) Development Waivers for Nonconforming Uses. The lawful use of a building or structures which existed in a SPI-CBPD prior to November 14, 1990, or which exists in a SPI-CBPD at the time of any amendment to this article, and which is not in conformity with the provisions of the district may be continued. However, any change or expansion of the use shall require a development waiver.

(a) Such waiver shall be permitted for the remodeling, alterations or additions to such nonconforming structures provided that:

(i) there will be no increase in the total amount of impervious surface; and

(ii) any development or land disturbance exceeding twenty five hundred (2,500)

square feet in area shall comply with the provisions of the erosion and sediment control ordinance; and

(iii) any new impervious surface placed on the site shall be no closer to any RPA feature than was in existence prior to application for the waiver.

(b) Such application for a development waiver shall be made to the Zoning Administrator and shall include the following:

(i) name and address of applicant and property owner;

(ii) legal description of the property;

(iii) proposed use;

(iv) sketch of property, including location of buildings and proposed additions, and RPA boundaries; and

(v) location and description of any existing private water supply or sewage system.

(c) Any development waiver shall become null and void twelve (12) months from the date of issue if no substantial work has commenced.

(2) Exemptions.

Due to their nature, certain land uses shall be exempted from compliance with this article:

(a) Construction, installation and maintenance of water, sewer, telephone, electricity, cable television and local gas lines shall be exempt provided that:

(i) to the degree possible, their location shall be outside the RPAs;

(ii) no more land shall be disturbed than is necessary to provide for the installation;

(iii) all construction, installation and maintenance shall be in compliance with all applicable state and federal

requirements and permits, and the facility is designed and conducted in a manner that protects water quality; and

(iv) any land disturbance that exceeds twenty five hundred (2,500) square feet of area shall comply with all erosion and sediment control requirements.

(b) Silvicultural activities, provided that such operations adhere to the water quality procedures prescribed by the Department of Forestry in its "Best Management Practices Handbook for Forestry Operations".

(3) Modifications, Exceptions and Boundary Disputes.

(a) Requests for modifications, resolution of boundary disputes, or exceptions to other requirements of the SPI-CBPD shall be made in writing to the Zoning Administrator. Such requests shall be heard by an administrative Review Committee, composed of the following persons or their designee:

(i) Chairperson of the Wetlands Board;

(ii) Director of Planning;

(iii) Building Official;

(iv) Zoning Administrator; and

(v) Director of Public Works.

All requests to be heard by the Review Committee shall be submitted through the Zoning Administrator.

(b) Modifications to the buffer width for parcels and lots of records existing prior to October 1, 1989, shall be subject to the following standards:

(i) Modifications to the buffer areas shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;

- (ii) Where possible, an area equal to the area encroaching the buffer area shall be established elsewhere on the lot or parcel in a way to maximize water quality protection; and
 - (iii) In no case shall the remaining buffer area be less than fifty (50) feet in width, unless an exception is granted through the provisions of Section 17.3-67 of this Article.
 - (c) In no case shall the buffer area of a lot created after October 1, 1989 be reduced to less than fifty (50) feet through the provisions of Section 17.3-66 of this Article.
 - (d) The Review Committee shall also have the authority to determine the location of the RPA, RMA and IDA boundaries in cases of dispute. Best available mapping and technical information shall be used to resolve such disputes.
- (4) Exceptions.
- In those cases where strict application of the regulations of this article would render a property undevelopable, exceptions to the regulations may be granted.
- (a) A request for an exception to the district regulations shall specify the hardship imposed by the regulations and identify, through a water quality impact assessment, the impacts of the proposed exception on water quality and lands within the SPI-CBPD. The water quality impact assessment shall comply with the provisions of the Stormwater Management and Erosion and Sediment Control Ordinances.
 - (b) The Review Committee shall review the request and the accompanying water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this article if they find that:

- (i) granting the exception will not confer upon the applicant any special privileges that are denied by this article to similarly situated property owners in the district;
 - (ii) the request is not based on self-imposed or self-created conditions or circumstances, nor does the request arise from conditions or circumstances, either permitted or nonconforming, that are related to adjacent parcels;
 - (iii) the request is the minimum necessary to afford relief;
 - (iv) the request will be consistent with the purpose and intent of the district, and not injurious to the neighborhood or otherwise detrimental to the public welfare; and
 - (v) reasonable and appropriate conditions are imposed which will prevent the request from causing a degradation of water quality.
- (5) Appeals from the decision of the Review Committee shall be filed with the Zoning Administrator no later than ten (10) working days after written notice of such decision. Appeals shall be heard by the Board of Zoning Appeals in accordance with Chapter 22 of this Ordinance. Appeals of the decision of the Board of Zoning Appeals shall be in accordance with Section 15.1-497 of the Code of Virginia.